

**Absent—Excused**

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Moffett
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

**Absent**

Hardeman	Moore
Hazlewood	Parkhouse

**Absent—Excused**

Weinert

**Appointment of Assignment Committee**

The President announced the appointment of the following as Assignment or Employment Committee:

Senators Aikin, Chairman; Ashley, Kazen, Moffett and Phillips.

**Adjournment**

On motion of Senator Moffett, the Senate at 11:12 o'clock a. m. adjourned until 10:30 o'clock a. m. on Monday, January 26, 1953.

**Record of Votes**

Senators Phillips and Willis asked to be recorded as voting "nay" on the motion to adjourn.

**SIXTH DAY**

(Monday, January 26, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

**Absent—Excused**

Bell

A quorum was announced present.

The invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father Who Art In Heaven, we grow up as a flower, soon to be cut down. Deeply impress upon our minds and hearts the frailties of the flesh; and teach us that it is not by power nor by might, but by Thy spirit that we are to find the answer to all our questions and a solution for all our problems. We pray in Christ's name and for his sake. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Bell was granted leave of absence for today on account of illness on motion of Senator Strauss.

**Senate Bills on First Reading**

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Shireman:

S. B. No. 54, A bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees during their junior and senior years, and to award such degrees; providing that funds heretofore or hereafter appropriated by the Legislature of this State shall not be used to defray the costs of conducting such classes; containing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Colson:

S. B. No. 55, A bill to be entitled "An Act to amend Article 4584 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that the affidavit shall be filed with the County Clerk instead of the County Judge; providing for a repealing clause; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Willis:

S. B. No. 56, A bill to be entitled "An Act amending Article 4640 of the Revised Civil Statutes of Texas, 1925, to prohibit remarriage by either party to a divorce within twelve months except to each other; declaring any such remarriage to be void; defining an offense and prescribing a penalty; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Lane:

S. B. No. 57, A bill to be entitled "An Act amending Section 6 of Article 6008, Revised Civil Statutes, 1925, as amended, relating to the promulgation of rules and regulations by the Railroad Commission, by adding thereto a new subsection to be known as 'subsection 8' authorizing the Railroad Commission to establish minimum prices at the wellhead for gas produced in Texas when necessary to prevent waste or conditions conducive to waste; and declaring an emergency."

To the Committee on Oil, Gas and Conservation.

By Senator Martin:

S. B. No. 58, A bill to be entitled "An Act abolishing the rule in Shelley's case as a rule of law or of construction in this State; providing that no estate for life or of freehold, vesting after the effective date of this act, shall, by virtue of a limitation of the remainder to the heirs of the life tenant, be enlarged to an estate in fee but those who are the heirs of the life tenant at the termination of the estate for life or of freehold shall take the remainder so limited to them; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Ashley:

S. B. No. 59, A bill to be entitled

"An Act to amend Article 802 of the Penal Code of Texas, as amended; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Lock:

S. B. No. 60, A bill to be entitled "An Act appropriating money for the support of the State Government, and for State aid to designated public junior colleges; authorizing and prescribing conditions, limitations, rules, and procedures, for allocating and expending the appropriated funds; and declaring an emergency."

To the Committee on Finance.

By Senator Lock:

S. B. No. 61, A bill to be entitled "An Act to validate the establishment, organization and/or creation of all school districts; validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; providing that this Act shall not apply to certain districts involved now or previously involved in litigation, or to districts involved in certain proceedings now pending before the State Board of Education, or to districts which may have been established and which later returned to original status; providing a savings clause, and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Willis:

S. B. No. 62, A bill to be entitled "An Act amending Section 148, Acts of the 50th Legislature, Chapter 421, page 967, being also known as Section 148 of Article 6701d of Vernon's Revised Civil Statutes of Texas, 1925, to remove mandatory requirement of written notices to appear to certain persons arrested for speeding; extending the time for notices to appear in court; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senators Parkhouse, Willis and Shireman:

S. B. No. 63, A bill to be entitled "An Act prescribing the liability of

owners of dogs; authorizing persons bitten, injured or attacked by dogs to recover damages from the owners of said dogs under certain circumstances; making it unlawful to own, harbor or have in custody any dog that bites, injures or attacks a person lawfully upon the property of the scene of the attack; fixing the penalty and limiting the application of this act; and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 64, A bill to be entitled "An Act to amend the Insurance Code, Acts 1951, 52nd Leg., Ch. 491, so as to authorize corporations for the purpose of operating local insurance agencies; providing that the Act shall be cumulative of all other Acts stating purposes for which corporations may be founded; authorizing issuance of license to corporations; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 65, A bill to be entitled "An Act to amend Chapter 421, Article XI, Section 89, Acts 1947, Fiftieth Legislature, Regular Session, repealing all laws and parts of law in conflict; and declaring an emergency."

To the Committee on State Highways and Motor Traffic.

By Senator Willis:

S. B. No. 66, A bill to be entitled "An Act providing for the use of red lights by firemen on their personal automobiles in certain emergencies; requiring identification markers for such personal automobiles; requiring certain identification cards to be kept by firemen using red lights on such automobiles; describing the position for mounting red lights on such automobiles; prescribing penalties for the use of red lights by firemen in unauthorized ways; and declaring an emergency."

To the Committee on State Highways and Motor Traffic.

By Senator Hazlewood:

S. B. No. 67, A bill to be entitled "An Act to establish and adopt a probate code for the State of Texas by revising and rearranging the statutes of the State which pertain to descent and distribution, wills, administration of decedents' estates and guardianship, and by making various changes

in, omissions from, and additions to, such statutes; fixing the effective date of the code; repealing certain statutes and all laws or parts of laws in conflict with the code; containing a severability clause; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Hazlewood:

S. B. No. 68, A bill to be entitled "An Act to clarify and amend the Laws of Texas relating to Optometry by amending Chapter Ten (10), Title Seventy-one (71) of the Revised Civil Statutes of Texas, 1925, and Articles 4552, 4553, 4558, 4559, 4561, 4562, 4563, 4564, 4565c, 4565d, 4565f, 4565h and 4566-1 of the Revised Civil Statutes of Texas, 1925, as amended, and Articles 735, 736 and 738a of the Texas Penal Code, 1925, defining the profession of optometry; prescribing qualifications for board members; specifying subjects of examinations; providing methods of conducting examinations; providing for the recording of licenses; providing for the registration and display of licenses; providing grounds for refusal of and cancellation of licenses and procedure for appeal; providing for duties of licensees; regulating the practice of optometry; prescribing unlawful acts; providing for branch offices, fees and registrations; prohibiting prizes and premiums in connection with the practice of optometry; prohibiting corporate practice; specifying acts constituting penal offenses in connection with the practice of the profession of optometry; declaring legislative intent; repealing all laws and parts of laws in conflict with this Act; and declaring that the remainder of this Act shall not be affected by the unconstitutionality of any part thereof; and declaring an emergency."

To the Committee on State Affairs.

By Senator Bracewell:

S. B. No. 69, A bill to be entitled "An Act to adopt and establish general statutory provisions applicable to business corporations; to provide for the incorporation, regulation, admission to do business in Texas, merger, consolidation, receivership, dissolution, and liquidation of those business corporations to which this Act shall apply; to provide that it shall apply to certain Texas corporations incorporated after the Act becomes effective, and certain foreign corporations

admitted to do business in Texas after it becomes effective, and for voluntary adoption of the provisions of the Act by certain other corporations; to provide for powers, duties, authorizations and responsibilities of affected corporations and their officers, directors, and stockholders; to repeal acts in conflict herewith; and containing a savings clause; and declaring an emergency."

To the Committee on Civil Jurisprudence.

By Senator Aikin:

S. B. No. 70, A bill to be entitled "An Act to amend Article 2877, Revised Civil Statutes, 1925, to provide for the changing of the name of the State Board of Examiners to State Board of Examiners for Teacher Education; providing that whenever such name or reference appears in any of the laws of this State shall mean and apply to the new name; to provide for the appointment of certain employees or officers of the public institutions of higher learning of Texas drawing a State salary warrant as such to serve as ex-officio members of the State Board of Examiners for teacher education, and designating such services on said Board as cumulative and ex-officio in nature; providing a saving clause; and declaring an emergency."

To the Committee on Educational Affairs.

#### Senate Resolution 23

Senator Bracewell offered the following resolution:

Whereas, We have in our midst today the Honorable Morris Frank of Houston, Harris County, Texas; and

Whereas, Mr. Frank is well known throughout Texas as "The Sage of Lufkin and Houston," and is recognized as an outstanding newspaperman with the Houston Chronicle; now, therefore, be it

Resolved, By the Senate of Texas, that this body acknowledge the presence of Morris Frank; and that we extend to him the courtesies of the floor for the day.

BRACEWELL  
LOCK  
COLSON

The resolution was read and was adopted.

On motion of Senator Lock and by

unanimous consent, Mr. Frank was asked to address the Senate.

Accordingly, the President appointed Senators Lock and Bracewell to escort Mr. Frank to the President's rostrum. The President presented Mr. Frank to the Senate. Mr. Frank made a brief address full of humor to the Senate.

#### Senate Resolution 24

Senator Martin offered the following resolution:

Whereas, The State of Texas through geographic position, historic tradition and through social, cultural and economic ties is closely linked with the neighboring Republic of Mexico; and

Whereas, The Republic of Mexico stands today as one of the great nations of Latin America and the world, an outstanding example of democracy and an ally of our nation in the world struggle against Communist aggression; and

Whereas, It is vital to the interests of the United States and Texas that an able and qualified person be chosen to represent this nation as ambassador to the Republic of Mexico; and

Whereas, Relations between Texas and Mexico are of the most cordial and friendly, with frequent interchange between our State Government officials, businessmen, students, teachers and tourists; and

Whereas, During the more than 106 years of Texas statehood, no Texan has ever represented the United States as Ambassador to Mexico; now therefore, be it

Resolved, By the Senate of the State of Texas:

Section 1. It is the considered opinion of the Government and people of Texas that the time has come for a Texan to be named to this important post to represent our nation before the Government and people of Mexico, and that the naming of such an Ambassador would be warmly welcomed by our neighboring Republic and could effectively carry out his duties in a manner which would strengthen even more the ties of mutual esteem, respect and friendship now uniting our two nations.

Section 2. The Secretary of the Senate is directed to forward a copy of this resolution to President Dwight D. Eisenhower, to the Secretary of State, the Honorable John Foster

Dulles, and to the two Senators from Texas, the Honorable Lyndon B. Johnson and the Honorable Price Daniel.

The resolution was read.

On motion of Senator Martin and by unanimous consent, the resolution was considered immediately and was adopted.

#### Co-Author of Bills and Resolutions

Senator Willis asked unanimous consent to be shown as co-author of S. J. R. No. 2 and S. B. No. 36 and S. B. No. 63.

There was no objection offered.

#### Co-Author of Bill

Senator Shireman asked unanimous consent to be shown as co-author of S. B. No. 63.

There was no objection offered.

#### Senate Concurrent Resolution 6

Senator Rogers of Travis offered the following resolution:

S. C. R. No. 6, Memorializing Congress relating to Motor Fuel Tax Law.

Whereas, There is definite need for prompt and extensive correction of the critical deficiencies of our streets and highways in the interest both of our economy and of our national security; and

Whereas, Highways of the country, including the streets and bridges, are by tradition and by law, the property and responsibility of the States and the subdivisions thereof; and

Whereas, Many of the States are in need of additional revenues for the construction and maintenance of their highways, but are experiencing extreme difficulty in their efforts to obtain additional revenues for highway purposes because of the magnitude of the existing over-all tax burden now imposed upon the motor-using public; and

Whereas, The Federal Government imposed its automotive excise taxes as temporary emergency measures during the depression of the early 1930's, but has continued these taxes in effect ever since at increasing rates; and

Whereas, Taxation of motor fuel traditionally has been relied upon by the States to produce a major part of the revenues necessary to construct

and maintain their highways, and that the Federal Government, by its continued intrusion in this field, has so increased the tax burden on the highway user as virtually to preclude further increases in such taxes by the States; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Federal Government is urgently requested to retire immediately from the field of motor fuel taxation.

Be It Further Resolved, That the Governor of Texas is urged to continue to lend his support and leadership to the accomplishment of this objective and that he call on the House and Senate for any assistance needed, and that he designate and send a suitable representative of the State to Washington at the appropriate time to appear before the committees of Congress for the purpose of urging that the Federal tax on motor fuel be eliminated.

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Concurrent Resolution 7

Senator Bracewell offered the following resolution:

S. C. R. No. 7, Extending congratulations to the President in appointing Oveta Culp Hobby as Federal Security Administrator.

Whereas, President Dwight D. Eisenhower has appointed Mrs. Oveta Culp Hobby as Federal Security Administrator, a position of great responsibility and trust in the government of the United States; and

Whereas, Oveta Culp Hobby is an outstanding citizen of the State of Texas, having contributed much through her unselfish interest in public affairs; and

Whereas, Oveta Culp Hobby is loved and respected by the members of the Texas Legislature where she served as Parliamentarian of the House of Representatives, rendering great service to the people of Texas in such capacity; and

Whereas, Oveta Culp Hobby is the wife of the Honorable W. P. Hobby, a former distinguished Governor of this State, who, prior to his elevation to that office, presided over the Senate of Texas in his capacity as Lieutenant Governor; and

Whereas, President Eisenhower should be congratulated for the excellent choice he made in appointing Oveta Culp Hobby as Federal Security Administrator of the United States; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that President Dwight D. Eisenhower be extended the sincere congratulations of the Legislature of the State of Texas for the exceedingly good judgment he displayed in appointing as Federal Security Administrator one of the most distinguished citizens of the State of Texas; and, be it further

Resolved, That the Legislature of the State of Texas extend to Oveta Culp Hobby its sincere congratulations on such appointment and express its appreciation to her for the continuance of her unselfish devotion to public duty; and, be it further

Resolved, That copies of this resolution be sent to President Eisenhower and Mrs. Hobby.

#### BRACEWELL

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Colson, Corbin, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Rogers of Travis, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Phillips the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

On motion of Senator Bracewell and by unanimous consent, the resolution was considered immediately and was adopted.

#### Resolutions Signed

The President announced the signing of, in the presence of the Senate after the captions had been read, the following enrolled resolutions:

H. C. R. No. 2, Relative to the salary of the members of the Regular Session of the Fifty-third Legislature.

H. C. R. No. 6, Extending to President-elect Eisenhower felicitations and best wishes.

H. C. R. No. 8, Relative to payment

of certain expenses incurred for inauguration ceremonies.

H. C. R. No. 11, Commending the Midwestern Indian Band of Wichita Falls, Texas.

H. C. R. No. 3, Relative to the March of Dimes Drive.

H. C. R. No. 7, Adopting the Joint Rules of the House of Representatives and Senate.

H. C. R. No. 9, Relative to closing the Capitol Grounds on January 20th.

H. C. R. No. 12, Congratulating the Honorable Dwight D. Eisenhower, President of the United States, upon his selection of the Honorable Robert Bernerd Anderson as Secretary of the Navy.

(President pro tempore in Chair.)

#### Message From Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
January 26, 1953.

To the Senate of the Fifty-third Legislature:

I ask the advice, consent and confirmation of the Senate in regard to the following appointment:

To be District Attorney of the Fifty-first Judicial District to fill the unexpired term of Aubrey Stokes, resigned: Justin A. Kever of San Angelo, Tom Green County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Adjournment

On motion of Senator Hardeman the Senate, at 11:22 o'clock a. m., adjourned until 10:30 o'clock a. m. tomorrow.

#### SEVENTH DAY

(Tuesday, January 27, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin  
Ashley

Bracewell  
Colson